IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL WRIT No. 5739 of 2007

ISHAR RAM

V/S

A.D.J. , RATANGARH CAMP SUJANGA.RH &ANR

Mr. BK BHATNAGAR, for the appellant / petitioner

Date of Order : 14.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

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Heard learned counsel for the petitioner.

The learned trial Court has dismissed the petitioner's application under Order 18 Rule 17.

It is contended that documents have been taken on record and issue has been amended, and therefore, the plaintiff's witness was required to be recalled for being confronted with those documents. Suffice it to say that the burden of issue No.4 is on the defendant, and therefore, defendant can very well prove those documents, and plaintiff obviously is entitled to lead evidence in rebuttal to the evidence of the defendant as may be led on issue No.4 if the plaintiff so likes. In that view of the matter, I do not find any error in the impugned order declining to recall the witness. The writ petition is, therefore, dismissed summarily.

( N P GUPTA ),J.

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